

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KATHLEEN GREEN-JOHNSON, §
Individually and On Behalf of All Others §
Similarly Situated, §
§
Plaintiff, §
§
V. §
§
BP EXPLORATION OPERATING §
COMPANY LTD., BP CORPORATION §
NORTH AMERICA INC., OM §
CONSULTING INC. D/B/A WISE MEN §
CONSULTANTS and FIRCROFT, INC., §
§
Defendants. §

CIVIL ACTION NO. 4:12-CV-01307

JURY TRIAL DEMAND

**JOINT STIPULATION REGARDING CONDITIONAL
CERTIFICATION AND NOTICE TO PUTATIVE CLASS MEMBERS**

Plaintiff Kathleen Green-Johnson, on behalf of herself and all others similarly situated, and Defendants OM Consulting Inc. d/b/a Wise Men Consultants (“Wise Men”), BP Exploration Operating Company Ltd., BP Corporation North America Inc. (collectively “the Parties”) hereby file this Joint Stipulation Regarding Conditional Certification and Notice to Putative Class Members and request court approval of such stipulation by signing below in the space provided.

1. Wise Men provides hourly-paid employees to BP Exploration Operating Company Ltd. (“BPE”) and BP Corporation North America Inc (“BPNA”)(collectively “BP”). .

2. Plaintiff alleges that BP and Wise Men formed a joint employment relationship with respect to Plaintiff and aforementioned staffed hourly paid employees.

3. Plaintiff alleges that Wise Men and BP did not pay their hourly paid employees an overtime rate of one and on-half times their regular rate of pay for all hour worked over 40 in a workweek. Defendants dispute who, if anyone, is liable for any unpaid overtime wages.

4. The Parties have reached an agreement that this case should be and, by this stipulation when signed by the Court, is conditionally certified as a collective action under the FLSA, 29 U.S.C. § 216(b). The Parties have agreed that the class shall consist of, and that notice shall be sent to, all current and former employees of Defendant Wise Men that were placed at Defendants BP that fall within the following class definition:

The Class includes all current and former hourly paid workers who were staffed by Wise Men to work at BP between April 30, 2010 and April 30, 2013.

5. The parties have agreed on the terms of a Notice of Rights and Consent Form. (Exhibit 1 and 2).

6. The Parties stipulate that Galvin Kennedy of Kennedy Hodges, LLP shall serve as class counsel and that Kathleen Green-Johnson shall serve as the representatives for the class.

7. Defendant reserves the right to file a motion for decertification, summary judgment and any other motion to challenge a final determination of the viability of the claims alleged in this lawsuit.

8. The parties stipulate that within **fourteen days (14) days** of this stipulation being signed by counsel below, Wise Men shall provide to Plaintiffs' counsel the names, dates of employment, location(s) of employment, all addresses (work and home), and all known phone numbers in Wise Men's possession for all Class Members as defined above. Wise Men shall provide such information in a computer-readable format. In addition, Wise Men will provide dates of birth as requested by Plaintiffs' counsel on an as needed basis to facilitate notice to Class Members.

9. The parties stipulate that Plaintiffs' counsel shall mail a copy of the agreed Notice of Rights and agreed Consent Form via email and first class mail to all persons contained on the

list within **fourteen (14) days** the court approving this Stipulation, Notice of Rights and Consent Form. Plaintiffs' counsel shall also include a self-addressed stamped envelope in the mailing. Plaintiffs' counsel may hire a class action administration company to oversee the mailing of the notice and forms, but is not required to do so. All Consent Forms shall be returned to Plaintiffs' counsel who in turn will be responsible for filing them with the Court.

10. It is further stipulated that the Class Members shall have forty-five (45) days from the date of the mailing of the Notice of Rights to file their Consent Form opting into this lawsuit as Plaintiffs. The Notice of Rights shall contain the appropriate deadline for joining this lawsuit. Only Plaintiffs who can demonstrate good cause (such as the notice being mailed to an inaccurate address) for not opting in by the deadline shall be allowed to join this lawsuit after the designated deadline.

SIGNED on May 16, 2013.



The Honorable Lee H. Rosenthal
United States District Judge

AGREED AS TO FORM AND SUBSTANCE:

By: /s/ Galvin B. Kennedy

Galvin B. Kennedy
State Bar No. 00796870
Federal Bar No. 20791
gkennedy@kennedyhodges.com
KENNEDY HODGES, L.L.P.
711 W. Alabama Street
Houston, TX 77006
713/523-0001
713/523-1116 – facsimile
ATTORNEY FOR PLAINTIFFS

And

By: /s/ Patrick Flynn

Patrick Flynn

Federal Bar No. _____

PATRICK M. FLYNN, P.C.

1225 North Loop West, Suite 100

Houston, Texas 77009-1775

**ATTORNEY FOR OM CONSULTING, INC.
D/B/A WISE MEN CONSULTANTS**

And

By: /s/ Thomas Piskorski

Thomas Piskorski

Federal Bar No. _____

SEYFARTH SHAW, LLP

131 S. Dearborn St., Suite 2400

Chicago, IL 60603

ATTORNEY FOR BP DEFENDANTS

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OVERTIME PAY LAWSUIT FOR HOURLY-PAID OM CONSULTING INC.

**D/B/A WISE MEN CONSULTANTS EMPLOYEES PLACED WITH
BP CORPORATION NORTH AMERICA INC. AND/OR ITS AFFILIATES.**

TO: Hourly-paid OM Consulting Inc. d/b/a Wise Men Consultants employees placed with BP Corporation North America Inc. or any of its affiliates who worked more than forty hours in a week any time between April 30, 2010 to April 30, 2013.

RE: Overtime wage claim against OM Consulting Inc. d/b/a Wise Men Consultants by employees placed with BP Corporation North America Inc.

1. Why Are You Getting this Notice?

You are getting this notice because you worked at OM Consulting Inc. d/b/a Wise Men Consultants ("Wise Men") as an hourly-paid employee placed with BP Corporation North America Inc. ("BP") or any of its affiliates and may not have been paid at the overtime rate of pay under the Fair Labor Standards Act in at least one instance when you worked more than 40 hours in a work week. An employee filed a lawsuit against Wise Men and BP and its related affiliates alleging that she and you are owed additional wages under federal law. The court has authorized this notice to be mailed pursuant to an agreement among the parties. Your name was on the list of people potentially affected by this lawsuit. The lawsuit is known as Civil Action No. 4:12-CV-01307; *Kathleen Green-Johnson vs. BP Exploration Operating Company Ltd., et al.*; In the United States District Court for the Southern District of Texas, Houston Division.

2. What Is This All About?

The employee who brought the lawsuit, Kathleen Green-Johnson, claims Wise Men and BP and its related affiliates were required to pay you overtime pay for all hours worked over forty in a week, but failed to do so. As a result of these alleged illegal pay practices, the employee filed a lawsuit against Wise Men and BP alleging that you and other employees are owed additional wages under federal law. Wise Men and BP deny the allegations in the lawsuit. The Court has not yet decided if Wise Men and BP owe anything. You have a choice to assert your legal rights in this case. If you do not file a consent form, you will not share in an award in this case, if any.

3. What are my options?

You are receiving this notice because records show that you worked as an employee for Wise Men and BP during the relevant time period.

Option 1:	File a wage claim. Await the outcome.
RETURN FORM	If you choose to be included in this lawsuit, you keep the possibility of getting money from a trial or settlement. In order to be included, you must (1) complete, sign and return the enclosed Consent Form by _____ or (2) submit your consent form electronically at www.rightsignature.com
Option 2:	Do not join this lawsuit. Get no benefit from it.
DO NOTHING	By doing nothing, you give up the possibility of getting money from a trial or settlement of this lawsuit. Your statute of limitations for claims against Wise Men and BP continues to run.

4. Effect of Joining the Case

If you join this case by filing your consent form enclosed with this Notice, you agree to be represented by the employees' attorneys identified below. The employees' attorneys are experienced in representing employees who claim they are owed wages. If you join this case by filing your consent, you will be bound by the judgment of the Court on all issues of the case, whether favorable or unfavorable.

The employees' attorneys are being paid on a contingency fee basis, which means that if there is no recovery, there will be no attorneys' fees charged to you. If there is a recovery, the attorneys for the class will receive a part of any recovery in favor of all members of the class. **If you want to know more about the terms of the contingency fee agreement, you may contact the employees' attorney, Galvin Kennedy at (713) 523-0001 or toll free at 877-342-2020.** You may discuss with him in detail the nature of the case, including any specific terms of the contingency fee agreement. There is no charge for asking the attorneys questions, and the matters discussed are confidential.

5. No Retaliation Permitted

Federal law prohibits employers from discharging or otherwise retaliating against you if you join this case.

6. How Can You Get More Information?

You can get more information by calling the employees' attorney below:

Galvin B. Kennedy	Telephone	713-523-000
Kennedy Hodges, LLP	Toll Free	877-342-2020
711 W. Alabama St.	Fax	713-523-1116
Houston, Texas 77006	Email	gkennedy@kennedyhodges.com

**THIS NOTICE HAS BEEN APPROVED BY A FEDERAL JUDGE.
THIS IS NOT AN ADVERTISEMENT**

**CONSENT TO JOIN LAWSUIT AND PARTAKE IN
SETTLEMENT OF OVERTIME CLAIM**

Civil Action No. 4:12-cv-01307; *Kathleen Green-Johnson vs. BP Exploration Operating Company LTD., et al.*; In the United States District Court for the Southern District of Texas, Houston Division.

If you want to join the lawsuit, complete this form and mail it to the following address. If you wish to join by signing electronically, please follow the instructions in the email you received or go to www.rightsignature.com.

Kennedy Hodges, L.L.P.
711 W. Alabama Street
Houston, Texas 77006
Attention: Galvin B. Kennedy

If you do not want to join the lawsuit, disregard this form.

Name: _____

1. I consent and agree to pursue my claims of unpaid overtime during my employment with OM Consulting Inc. d/b/a Wise Men Consultants and BP Corporation North America Inc. through the above lawsuit.

2. I understand that this lawsuit is brought under the Fair Labor Standards Act. I hereby consent, agree and opt-in to become a plaintiff herein and be bound by any judgment, favorable or unfavorable, by the Court or a Court approved settlement in this action, if any.

3. I also designate the class representative, Kathleen Green-Johnson, as my agent to make decisions on my behalf concerning the litigation, the method and manner of conducting the litigation, the entering of an agreement with plaintiffs' counsel concerning attorney's fees and costs, and all other matters pertaining to this lawsuit. I also hereby hire Galvin Kennedy of Kennedy Hodges, LLP as my attorney.

Signature: _____ Date Signed: _____

Address: _____ Phone: _____

Email: _____

****NOTE****

If you desire to join the lawsuit, you must return this form as soon as possible to preserve your rights. The form must be received no later than _____, 2013 (**45 days from date of mailing**) to be valid.